

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-00270-MR-WCM

MACKENZIE ELAINE BROWN,

Plaintiff,

v.

HENDERSON COUNTY

SHERIFF'S OFFICE;

ROBERT JORDAN WARREN

*Sheriff Deputy with Henderson*

*County Sheriff's Office - Patrol Division;*

MICHAEL SCOTT LINDSAY

*Sheriff Deputy with Henderson County*

*Sheriff's Office - Patrol Division;*

CRYSTAL D. LANDERS

*Sheriff Deputy with Henderson County*

*Sheriff's Office - Patrol Division;*

JOHNNY E. DUNCAN, JR.

*Henderson County Director of*

*Technical Services/Public*

*Information Officer;*

BRADLEY R. REESE

*Animal Enforcement Officer with*

*Henderson County Sheriff's Department;*

BRITTANY NICOLE MAYBIN

*Detention Facility Officer with*

*Henderson County Detention Facility*

SUSAN N. OATES

*Magistrate with North Carolina*

*Administrative Office of the Courts; and*

EMILY GREENE COWAN

*District Court Judge with the*

*North Carolina Consolidated*

*Judicial Retirement System,*

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Amended Complaint (the "Motion," Doc. 32). A proposed First Amended Complaint is attached to the Motion. Doc. 32-1.

Defendants Henderson County Sheriff's Office, Robert Warren, Michael Lindsay, Crystal Landers, Johnny Duncan, Jr., Bradley Reese, and Brittany Maybin (collectively, the "HCSO Defendants") do not object to the Motion. Doc. 34.

Defendants Susan N. Oates and Emily Greene Cowan (the "Judicial Defendants") do object and argue that Plaintiff's proposed amendment is futile since Plaintiff's proposed First Amended Complaint would be subject to dismissal on the same basis that the Judicial Defendants have moved to dismiss Plaintiff's existing Complaint. Doc. 35.

When reviewing requests for leave to amend before trial, courts are guided by Rule 15(a) of the Federal Rules of Civil Procedure, which provides in part that leave to amend should be freely given when justice so requires.

Here, considering that Plaintiff is proceeding *pro se*, the HCSO Defendants' lack of objection to the Motion, the early procedural posture of this matter, and the need for clarity of the record, the undersigned finds that the Motion should be allowed. Further, upon the filing of Plaintiff's First Amended Complaint, the HCSO Defendants and the Judicial Defendants will be free to challenge the sufficiency of Plaintiff's allegations by way of appropriate motion

filed in the ordinary course.

**IT IS THEREFORE ORDERED THAT** Plaintiff's Motion for Leave to File Amended Complaint (Doc. 32) is **GRANTED** and Plaintiff is directed to file her First Amended Complaint (Doc. 32-1) on or before **May 23, 2024**.

May 2, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

